

City of Menlo Park Locally Adopted Energy Standards Approval

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Action Requested of Efficiency Policy Committee: Committee approval to bring this item before the full California Energy Commission for consideration and approval.

Business Meeting Date: November 30, 2011

Background: The California Public Resources Code establishes a process that allows cities or counties to adopt and enforce locally adopted energy standards that are more stringent than the statewide standards. This process, described in Section 25402.1(h)(2) and the *2008 Building Energy Efficiency Standards*, Title 24, Part 1, Section 10-106 (Standards), allow cities or counties to adopt new versions of the Standards before their statewide effective date (early adoption), require additional energy efficiency measures, or set more stringent energy budgets. The governing body of the city or county is required to make a determination that the standards are cost effective and adopt the findings at a public meeting. The city or county is required to file this determination of cost effectiveness with the Energy Commission. The Energy Commission must find that the standards will require the diminution of energy consumption levels permitted by the current Standards. The proposed local ordinance cannot be enforced until it is approved by the Energy Commission.

On September 15, 2011, the City Council of the City of Menlo Park submitted an application for approval for their local energy standards (Ordinance No. 974) which will meet or exceed the *2008 Building Energy Efficiency Standards (Title 24, Part 6 of the California Building Standards)*.

Newly constructed residential and nonresidential buildings must exceed the building energy efficiency requirements of Title 24, Part 6 by 15 percent and meet cool roof requirements equivalent to the prescriptive requirements under Title 24, Part 6, which may result in additional energy savings. Additionally, newly constructed residential and nonresidential buildings must perform duct leakage testing to verify a total leakage rate of less than six percent of the total airflow.

The energy efficiency improvement must be demonstrated using an alternative calculation method (ACM) approved by the Energy Commission to calculate the Time Dependant Value (TDV) energy use of the proposed building and compare it to the TDV energy use of the Title 24 standard building.

The City of Menlo Park has made a written commitment to enforce compliance with their locally adopted energy standards and Title 24, Part 6. Energy Commission staff has found that the application meets all requirements under Public Resources Code Section 25402.1(h)(2) and Section 10-106 of Title 24, Part 1 and recommends it for approval.

The complete application including the full proposed ordinance and cost effectiveness analysis will be made available on the Energy Commission web site upon Energy Commission approval of the proposed ordinance.

The City of Menlo Park has been informed that the approved ordinance will be enforceable while the *2008 Building Energy Efficiency Standards (Title 24, Part 6 of the California Building Code)* is in effect and upon the effective date of the next update to Title 24, Part 6, the City of Menlo Park will be required to resubmit an application for local energy standards under Public Resources Code Section 25402.1(h)(2) and Section 10-106 of Title 24, Part 1.

Justification for Action Requested: Energy Commission staff has found that the application meets all requirements under Public Resources Code Section 25402.1(h)(2) and Section 10-106 of Title 24, Part 1. Energy Commission staff believes that the City of Menlo Park is to be commended for seeking to achieve the energy savings that result from their local energy ordinance.

Pros: If complied with as anticipated, the local ordinance will achieve additional energy savings beyond Title 24, Part 6. The City of Menlo Park is endeavoring to be a national leader by adopting this ordinance and keeping ahead of the requirements of the statewide standards. Its approval indicates the Energy Commission's support for this goal and for active enforcement of both the local ordinance and the statewide standards.

Cons: A possible con is that builders will react negatively to the local variation of requirements or additional costs that may result from complying with the local ordinance.

What Happens Next: Staff will bring the ordinance to the November 30, 2011 Business Meeting for approval.